

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

District of South Carolina



\_\_\_\_Greenville\_\_\_\_ Division

RECEIVED

AUG 10 2022

U.S. DISTRICT COURT  
GREENVILLE, S.C.

Wesley Edward Smith, III

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carolina Franchise Holdings Inc, Burger King, Inc  
South Carolina State General Assembly Memembs (et  
al)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Wesley Edward Smith III
Street Address	P O Box 294
City and County	Monks Corner Berkele
State and Zip Code	South Carolina 29461
Telephone Number	
E-mail Address	wsmittyd4@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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**Defendant No. 1**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 2**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 3**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**Defendant No. 4**

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Wesley Edward Smith III, is a citizen of the State of *(name)* South Carolina.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* Carolina Franchise Holdings Inc, is a citizen of the State of *(name)* Wichita KS. Or is a citizen of *(foreign nation)* South Carolina.

## b. If the defendant is a corporation

The defendant, (name) Burger King, Inc, is incorporated under the laws of the State of (name) South Carolina, and has its principal place of business in the State of (name) unk.  
 Or is incorporated under the laws of (foreign nation) unk, and has its principal place of business in (name) South Carolian.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Before the alleged illegal or wrongful discharge and depriaval or infringement of my constitutional due process rights from employment I, Wesley Edward Smith III am still owed over \$80,000.00 (minus taxes and accrued interest) by Burger King Inc for services rendured/completed. Needed safety conditions in employment corrections, maintainance rapairs services, cleaning repairs, construction, Grease disposed of as the Facility Manager as Tng. position pay was promised

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- 1 Equal Propetction Cause States all citizen are guarennted due process, FOLLO UP Workman Comp/SSI Claim
- 2 Due process clause states no state nor no person shall abridge the right of another person or employee
- 3 State Court Order restricts the 14th Amened which should not have been denied, deprived nor infringed upon
- 4 Third party are filing frivolous claims about accidents casue by Wesley Edard Smith III without showing proof
- 5 The posted laws in inquiry states I Wesley Edward Smith III and family have a right to understand the law
6. The posted laws allow fair and equal discovery if race, color or age an issue as to What Color is Suth Carolina
7. To discover if race, color or age of the listed persons, I never met, considered a motivational factor for injury

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Laws afforded by the intervening law enforcment agenccies such as and other agencies the EEOC OSHA, SHAC, Department of Justice (Honorable William Barr) DHEC and others as President Donald Trump with safety Concerns issues and Speaker of the State Honorable nancy P{oesi for HAZMAT concern in the business also overlooked in terms of employment policies and procedures NOT being in compliance with the UPDATED conform to the posted laws, to better treat all employee alike , regardless of ones COLOR or RACE or Age

To have adjudication process applied equally and allows distribution of the release of of Substantive material Evidence required by law, and the monetary damage as a result of the personal injuries and mental ups and downs, that's reasonable and just according to law or the court finds ripe for the adjudication process. Each pleading separately not withstanding the entire drawn out verdict(s), but speedy and fast, on the case by case basis. Allow assemblage of the General Assembly to inform the Executive of corporations on both public and private sector as to who the South Carolina Laws are DIRECTED and, in which Form the erected Official for that supported Legislative Body, that allows its members to make SOLE determinations, BUT as BOTH the Church and State.

#### V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/08/2022

Signature of Plaintiff

Printed Name of Plaintiff Wesley Edard Smith III

##### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address